IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DYSON TECHNOLOGY LIMITED and DYSON, INC.,	)	
Plaintiffs,	)	
v.	)	C.A. No. 05-434 (GMS)
MAYTAG CORPORATION,	)	
Defendant.	)	

SUPPLEMENTAL AFFIDAVIT OF JEFFREY HYMAN

STATE OF ILLINOIS)
: ss.
COUNTY OF COOK)

JEFFREY HYMAN, being duly sworn, deposes and says:

1. I am Vice President of Marketing for the United States of Dyson Technical Services, Inc., the Dyson entity now responsible for marketing of Dyson vacuum cleaners in the United States, as of August 2005.

2. I submit this supplemental affidavit in support of Dyson's pending motion for a preliminary injunction to update the factual record since I submitted my original affidavit in July 2005. I understand that the Court recently scheduled the trial of Dyson's patent infringement claims for May 28, 2007.

3. As I explained in my original affidavit, Dyson will suffer irreparable harm in the marketplace if Hoover is not promptly enjoined from selling the Hoover Fusion vacuum cleaner in the United States. The risk of irreparable harm to Dyson is now even greater given

that the trial of this action will not occur until late May 2007, nearly two years after the Hoover Fusion first appeared in Wal-Mart stores and Dyson filed its complaint.

4. Although Dyson continues to have some success in the United States market generally, that success remains limited to consumers with higher income and education levels than the average consumer—the segment of the market typically referred to as "early adopters." Dyson still has not successfully marketed its products to the bulk of U.S. households (and thus the bulk of the U.S. vacuum cleaner market) that make up the so-called "mass market."

5. As I stated in my original affidavit, Dyson has a limited window of opportunity—about 12 to 18 months—to succeed in penetrating the mass market in the United States. If Dyson is not successful in that timeframe, it will be unable to sustain the momentum with customers and retailers that is required to reach the mass market. Dyson's limited window of opportunity will be closed, in my view, by the time the trial of this action is concluded in June 2007. If Dyson's current effort to reach mass-market consumers fails, the effect on Dyson in the United States will be severe and irreversible because I doubt that Dyson will be able to regenerate the momentum needed to attempt again to penetrate the mass market.

6. The presence of the Hoover Fusion in Wal-Mart stores (and on Hoover's and Wal-Mart's websites) at this particular point in time is impeding Dyson's effort to market its products to mass-market consumers. As I previously explained, the Hoover Fusion not only mimics Dyson's patented technology, appearance and marketing claims, but also is available at a substantially lower price. Absent a preliminary injunction, mass-market consumers who shop at Wal-Mart or on the Internet may believe that the Fusion delivers Dyson's proprietary technology at a substantially lower price. I also am concerned that mass-market consumers who actually

purchase the Fusion will have a poor experience with the product (which is inferior for reasons unrelated to Dyson's patents) that will make them much less likely to try Dyson's products in the future. Because it will be impossible in June 2007 to turn back the clock and restore the market to its pre-infringement condition, a preliminary injunction is needed to preserve the status quo while this matter is litigated.

7. Hoover's sales of the Fusion at Wal-Mart have had other negative consequences for Dyson that are impossible to quantify. As my original affidavit notes, Hoover's release of the Fusion in Wal-Mart stores in June 2005 coincided with Dyson's own national rollout with Wal-Mart, an event that was critically important to Dyson's effort to penetrate the mass market and that followed about two years of discussions with Wal-Mart. Not surprisingly, the presence of the Hoover Fusion—a product we believe infringes our patents—on the shelves at Wal-Mart stores adversely affected our new and important relationship with Wal-Mart.

8. As a new entrant, Dyson's position in the United States market is highly vulnerable. If Dyson is required to wait until the conclusion of this litigation to obtain an injunction, Dyson will suffer irreparable harm in the marketplace in my view.

Jeffrey Hyman

Sworn to before me this
12 day of December, 2005

Notary Public

OFFICIAL SEAL
TIFFANY STABOU
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 4-21-2009